



DECLARATION AND POWER OF ATTORNEY

Docket No.:392.1004

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled:

GENE OVEREXPRESSED IN CANCER

the specification of which (check one)

is attached hereto

was filed on August 6, 2004 as International Application Serial No. PCT/JP2004/011650 and was amended on _____

I hereby authorize and request our attorneys, Davidson, Davidson & Kappel, LLC of 485 Seventh Avenue, New York, New York 10018 to insert here in parentheses (application number _____, filed _____) the filing date and application number of said application when known.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information that is known to me to be material to the patentability of this application as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim priority benefits under Title 35, United States Code, §119 of any foreign and/or provisional application(s) for patent or inventor's certificate listed below and have also identified below any foreign and/or provisional application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

JP Patent Application No. 2003-290704 Number	Japan Country	8 / 8 / 2003 Day/Month/Year Filed	Priority claimed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Number	Country	Day/Month/Year Filed	Priority claimed <input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial Number	Day/Month/Year Filed	Status
Application Serial Number	Day/Month/Year Filed	Status

And I hereby appoint Clifford M. Davidson, Reg. No. 32,728, Leslye B. Davidson, Reg. No. 38,854, Cary S. Kappel, Reg. No. 36,561, William C. Gehris, Reg. No. 38,156, Morey B. Wildes, Reg. No. 36,968, Robert J. Paradiso, Reg. No. 41,240, Erik R. Swanson, Reg. No. 40,833, Thomas P. Carty, Reg. No. 44,586, and all other registered attorneys and agents at Davidson, Davidson & Kappel, LLC, U.S. Patent and Trademark Office Customer Number 23280, my attorneys, with full power of substitution and revocation, to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith; correspondence address: DAVIDSON, DAVIDSON & KAPPEL, LLC, 485 Seventh Avenue, 14th Floor, New York, New York 10018; Telephone: (212) 736-1940; Fax: (212) 736-2427.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first Inventor	Hiroyuki ABURATANI
Inventor's signature	<i>Hiroyuki ABURATANI</i>
Date	April 6, 2006
Residence	Tokyo, Japan
Post Office Address	3-30-16, Kichijoji Minami-cho, Musashino-shi, Tokyo 180-0003 Japan
Citizenship	Japan

Full name of additional Inventor	Yoshitaka HIPPO
Inventor's signature	<i>Yoshitaka Hippo</i>
Date	May 1, 2006
Residence	Tokyo, Japan NY, USA
Post Office Address	3A Lee Street, Huntington NY 11743 USA 2-8-1-601, Iwado-Kitai, Komae-shi, Tokyo 201-0004 Japan y-Hippo
Citizenship	Japan

Additional inventors named on attached 2 sheet(s).

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Full name of additional Inventor	Hirokazu TANIGUCHI
Inventor's signature	Hirokazu Taniguchi
Date	June 18, 2006
Residence	Tokyo, Japan
Post Office Address	1-35-12-408, Nozawa, Setagaya-ku, Tokyo 154-0003 Japan
Citizenship	Japan

Full name of additional Inventor	Yong xin CHEN
Inventor's signature	Y.X. Chen
Date	May 16, 2006
Residence	Tokyo, Japan TX, USA
Post Office Address	7458 Louis Pasteur #1103, TX 78229 USA 6-24-13-202, Kitami, Setagaya-ku, Tokyo 157-0067 Japan Y.C.
Citizenship	Japan China

Full name of additional Inventor	Shumpei ISHIKAWA
Inventor's signature	Shumpei Ishikawa
Date	April 6, 2006
Residence	Tokyo, Japan
Post Office Address	2-17-3-301, Yayoi, Bunkyo-ku, Tokyo 113-0032 Japan
Citizenship	Japan

Full name of additional Inventor	Shin-ichi FUKUMOTO
Inventor's signature	Shin-ichi Fukumoto
Date	June 6, 2006
Residence	Sapporo, Japan Tokyo, Japan S. Fukumoto
Post Office Address	5-2-1-1-101, Kikusui, Shiroishi-ku Sapporo 003-0805, Japan 1-20-17-101, Kitazawa, Setagaya-ku, Tokyo 155-0031 Japan S. Fukumoto
Citizenship	Japan

Full name of additional Inventor	Takahiro SHIMAMURA
Inventor's signature	Takahiro Shimamura
Date	June 26, 2006
Residence	Shizuoka, Japan Tokyo, Japan T. Shimamura
Post Office Address	358-1-207, Nakajima, Fuji-city, Shizuoka 416-0907 Japan 1-22-2-403, Meguro-ku, Shibuya-ku, Tokyo 151-0072 Japan T. Shimamura
Citizenship	Japan

Full name of additional Inventor	Naoko KAMIMURA
Inventor's signature	Naoko Kamimura
Date	April 6th, 2006
Residence	Tokyo, Japan
Post Office Address	3-4-8-303, Nishi-Ikebukuro, Toshima-ku, Tokyo 171-0021 Japan
Citizenship	Japan

Full name of additional Inventor	Ying qiu GUO
Inventor's signature	Y. Guo
Date	May 16, 2006
Residence	Tokyo, Japan TX, USA
Post Office Address	7458 Louis Pasteur #1103 TX 78229 USA 6-24-13-202, Kitami, Setagaya-ku, Tokyo 157-0067 Japan Y.G.
Citizenship	Japan China

Full name of additional Inventor	Shogo YAMAMOTO
Inventor's signature	Shogo Yamamoto
Date	April 6th, 2006
Residence	Tokyo, Japan
Post Office Address	4-4-17, Nishi-Ohi, Shinagawa-ku, Tokyo 140-0015 Japan
Citizenship	Japan

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Full name of additional Inventor	Yukio ITO
Inventor's signature	<i>Yukio Ito</i>
Date	April, 6th 2006
Residence	Tokyo, Japan
Post Office Address	c/o PERSEUS PROTEOMICS INC., 4-7-6 Komaba, Meguro-ku, Tokyo 153-0041 Japan
Citizenship	Japan

Full name of additional Inventor	Hirotaka ITO
Inventor's signature	<i>Hirotaka Ito</i>
Date	April, 6th, 2006
Residence	Shizuoka, Japan
Post Office Address	c/o CHUGAI SEIYAKU KABUSHIKI KAISHA 135, Komakado 1-chome, Gotenba-shi, Shizuoka 412-8513 Japan
Citizenship	Japan

Full name of additional Inventor	Toshihiko OHTOMO
Inventor's signature	<i>Toshihiko Ohtomo</i>
Date	April, 10th, 2006
Residence	Shizuoka, Japan
Post Office Address	c/o CHUGAI SEIYAKU KABUSHIKI KAISHA, 135, Komakado 1-chome, Gotenba-shi, Shizuoka 412-8513 Japan
Citizenship	Japan

Full name of additional Inventor	
Inventor's signature	
Date	
Residence	
Post Office Address	
Citizenship	

Full name of additional Inventor	
Inventor's signature	
Date	
Residence	
Post Office Address	
Citizenship	

Full name of additional Inventor	
Inventor's signature	
Date	
Residence	
Post Office Address	
Citizenship	

Full name of additional Inventor	
Inventor's signature	
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Residence	
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Citizenship	

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Inventor's signature	
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